



BOARD OF APPEALS
TOWN OF FOXBOROUGH
40 SOUTH STREET
MASSACHUSETTS
02035

**Foxborough Zoning Board of Appeals Minutes
December 22, 2011**

Members present: Chairman Erik McKenzie, Member Neil Forster, Alternates Barney Ovrut and Kevin Penders

The Chairman opened the meeting at 7:00 p.m.

7:00 p.m. Robert Ferestien requests a variance from Foxborough General By-Law Section 15(B)- Signs, V.A.1, to allow the installation of a 63 sq. ft. free standing sign with message board at 360 Central Street. The proposed sign will replace a current pre-existing non conforming free standing sign on the property. The property is located within an R-40 Zoning District and is not located in any restrictive overlay districts. Members sitting on this petition are Mr. Forster, Mr. McKenzie and Mr. Penders. Mr. Ferestien was present and represented himself. He would like to update the sign for his business, Ferestien Feed as it has been the same since 1982. He would like to get a larger sign to attract more business to his location; some people don't know that he is even there. The sign will be moved down from its present location to be nearer a power source. All other signage on the property will be removed. The existing sign is 5ft x 5ft, the proposed sign will be 4ft x 9ft. It will be lit only during working hours and will have an LED message board. The message board cannot be more than 25% of the total sign and have more than 6 changes in an hour. It was noted that if his property was located across the street in the Limited Industrial area, the sign would be allowed by right.

There is a typo on the sign detail submitted, it states the size of the sign is 63 sq ft; it should be 36 sq ft.

Abutter Frank Morrissey of 355 Central Street spoke in favor of the petition, he has known the Ferestien's for seventy years and knows them as good business people who are concerned with their reputation in the neighborhood.

A motion to close the Public Hearing was made by Member Forster and seconded by Alternate Penders. The motion carried 3-0-0.

In the R40 district, an allowable sign is 6 sq. ft, the applicant is proposing 36 sq. ft. This would be an expansion of a previously approved non-conforming use.

Mr. Ovrut noted that he has been a customer of the Ferestien's for many years and never noticed the sign, so he agrees a new one is needed. He has no problem with the size but feels conditions for lighting of the sign are needed.

Mr. Forster is concerned with the lighting of the LED area of the sign.

The hours of the store are Monday – Friday 7 a.m. to 5 p.m., Saturday 7 a.m. to 3 p.m. with no Sunday hours except between Thanksgiving and Christmas for the selling of trees when the hours are 10 a.m. to 4 p.m.

A motion to approve the sign as proposed with conditions to limit the hours of the LED area to hours of store operation and the compliance to all other restrictions in the bylaws with regards to the number of messages allowed per hour on the screen. It is also conditioned that the existing sign will be removed as well as all other signage on the property, and that there will be no backlights or floodlights on the new sign was made by Member Forster and seconded by Alternate Penders. The motion carried 3-0-0.

7:10 p.m. Zachary Johnson requests a variance from Foxborough Zoning By-Law, Table 4-1- Dimensional Regulations to allow an addition within the required front yard setback where 35 feet is required and 29.5 feet is provided. The property located at 69 Borrows Road is located in an R-40 Zoning District and is not located in any restrictive overlay districts. Members sitting on this petition are Mr. Forster, Mr. McKenzie and Mr. Ovrut. Mr. Johnson was present and represented himself. He explained that he would like to add a three car garage by moving his two car garage to the side of the house and making it a three car garage. The driveway already extends to this side of the house so it will not have to be moved. He will also be raising the grade to avoid flooding in it. The front yard setback is 35 feet, he has 29.5 feet. If the garage did not have a roof on it, it would be allowed by right. He will keep the present tree line for privacy.

No abutters were present.

A motion to close the Public Hearing was made by Mr. Forster and seconded by Mr. Ovrut.

Mr. Ovrut noted that Mr. Johnson is limited by the size of the lot and the placement of the house as to where the garage can be located.

A motion to approve the variance as requested with a condition that it is located no further than 29.5 feet from the front yard lot line and that no trees are removed was made by Mr. McKenzie and seconded by Mr. Forster. The motion carried 3-0-0.

7:20 p.m. Edward Gottwald requests a variance from Foxborough Zoning By-Law, Table 4-1 - Dimensional Regulations to allow an addition within the required side yard setback where 15 feet is required and 11.7 feet is provided. The property located at 18 Ames Road is located in an R-40 Zoning District and Zone II Water Resource Protection Overlay District. Members sitting on this petition are Mr. Penders, Mr. McKenzie and Mr. Forster. Mr. Ovrut recused himself from this petition as he is a direct abutter. Mr. Gottwald was present and represented himself. He would like to construct a 27 ft x 28 ft addition. A permit was originally given for this application when an error was discovered in the as-built. It showed the side yard setback at 15.7 feet when it should actually be at 11.7 feet. This was not the fault of Mr. Gottwald.

Mr. Ovrut, speaking as an abutter, noted that the property is at an angle making it an irregular shaped lot.

A motion to close the public hearing was made by Mr. Forster and seconded by Mr. Penders. The motion carried 3-0-0.

A motion to approve the as built as presently submitted was made by Mr. Penders and seconded by Mr. Forster. The motion carried 3-0-0.

The Board spoke with a potential new alternate Board member, Kim Mellon. She is interested in volunteering for a town Board to learn more and give back to the community. She has lived in town for five years and has served on the Human Resource Search Committee and the Neponset Reservoir Board as well as working with Birthday Wishes. She works in Financial Consulting.

The resignation of Mr. Estabrook needs to be accepted by the Board of Selectmen and then a new alternate member can be appointed. Mr. McKenzie will send in a letter of recommendation to the Board of Selectmen to appoint Ms. Mellon.

The minutes of October 20, 2011 were approved as amended unanimously.

Correspondence was received from Town Counsel in regards to the Nadia Estates Litigation that the parties involved are going to mediation. The Town Manager has determined that the town does not need to get involved.

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Diana Gray